

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THERESA M. OWENS,
147 Beechnut Road.
Westwood, MA 02090

CASE NUMBER 1:03CV01798

JURY
ACTION

JUDGE: Emmet G. Sullivan

DECK TYPE: Personal Injury/Malpractice

v.

DATE STAMP: 08/27/2003

ELI LILLY AND COMPANY
Lilly Corporation Center
Indianapolis, IN 46285

FILED

Defendant.)

AUG 27 2003

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1446, defendant Eli Lilly and Company ("Lilly") files this Notice of Removal and states:

1. Lilly is the defendant in an action commenced against it by the plaintiffs, Theresa M. Owens, pending in Superior Court for the District of Columbia, captioned Theresa M. Owens v. Eli Lilly and Company, Civil Action No. 0006684-03 (the "state action"). True copies of all process, pleadings and orders served on Lilly in the state action are attached hereto as Exhibit A and specifically incorporated herein.

2. In her Complaint, plaintiff Theresa M. Owens alleges that she is a resident of Massachusetts. Defendant Lilly is a corporation organized under the laws of the State of Indiana with a principal place of business in Indianapolis, Indiana. There is, therefore, complete diversity of citizenship.

3. The plaintiff claims damages in excess of \$75,000. Accordingly, the matter in controversy in the state action exceeds the sum or value of \$75,000, exclusive of interest and costs.

4. Lilly was served with a summons and a copy of plaintiff's Complaint and Demand for Jury Trial on August 8, 2003. Consequently, this notice is timely under 28 U.S.C. §1446(b).

5. This action is one of which this Court has jurisdiction pursuant to 28 U.S.C. §1332 and that may be removed to this Court by Lilly.

ELI LILLY AND COMPANY

By its attorneys:

L.H. Martin
Lawrence H. Martin, D.C. Bar #476639
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1747 Pennsylvania Avenue, N.W.
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(202) 223-1200

and

James J. Dillon, P.C.
John M. Granberry
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FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02110-2600
(617) 832-1000

Dated: August 21, 2003

CERTIFICATE OF SERVICE

I, Lawrence H. Martin certify that a true copy of the foregoing Notice of Removal was served on August 21, 2003 by U.S. First Class Mail, postage prepaid to Aaron M. Levine, Aaron M. Levine and Associates, 1320 19th Street, NW, Suite 500, Washington, DC 20036.

L. Martin

Lawrence H. Martin

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THERESA M. OWENS,)
Plaintiff,)
v.) C. A. No.
ELI LILLY AND COMPANY,)
Defendant.)

NOTICE OF FILING COPIES OF STATE COURT PAPERS

Pursuant to 28 U.S.C. § 1446, defendant hereby files copies of all records and proceedings in the state court action (Superior Court for the District of Columbia Civil Action No. 0006684-03).

ELI LILLY AND COMPANY

By its attorneys:

L.H. Martin

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Boston, MA 02210-2600
(617) 832-1000

Dated: August 21, 2003

17/499808.1

EXHIBIT

A

ALL-STATE® INTERNATIONAL

CERTIFICATE OF SERVICE

I certify that a true copy of the Notice of Filing Certified State Court Papers was served on August 21, 2003 by U.S. First Class Mail, postage prepaid, to Aaron M. Levine, Aaron M. Levine & Associates, P.A., 1320 Nineteenth Street, N.W., Suite 500, Washington, D.C. 20036.

L. Martin
Lawrence H. Martin